

Remarks

Claims 1-69 are pending. Claims 9-36, 39-66, and 68 have been withdrawn from consideration. Claims 1-8, 37, 38, 67, and 69 stand rejected. Claims 6 and 67 have been amended. Reconsideration is respectfully requested in view of the following remarks.

Claim 67 was rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By way of the current amendment, claim 67 has been amended as suggested by the Examiner. Accordingly, Applicant respectfully submits that this rejection has been overcome.

Claims 1-4, 37, and 38 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Pavelescu et al. Applicant respectfully traverses this rejection.

Applicant submits that the Examiner has failed to specifically point out where Pavelescu et al. disclose every element of the claimed invention. For example, Applicant notes that the Examiner has failed to specifically identify where Pavelescu et al. disclose the use of a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state, as claimed. Applicant has carefully studied Pavelescu et al. and can find no disclosure or suggestion of the use of the claimed reactive hot-melt adhesive to bring about waterproofness when in the fully reacted state, as claimed. Accordingly, Applicant submits that this rejection should be withdrawn.

Claims 1-8, 37, 38, 67, and 69 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Haimerl. Applicant respectfully traverses this rejection.

The Examiner argues that Haimerl discloses an adhesive zone comprising a hot-melt adhesive/sealing substance (24 and/or 25). Moreover, the Examiner further asserts that the sealing agent is based on polyurethane and that numerous types of polyurethane are suggested by Haimerl. Applicant submits that the use of reactive hot-melt adhesive is neither disclosed nor suggested by

Haimerl with respect to a sealing agent. Quite to the contrary, Haimerl shows hot-melt glue 22 which is used to connect the marginal strip 12b to the insole 10. Further the hot-melt glue is described as not being able to undertake any essential sealing function, as it becomes brittle in use once it is hardened and, therefore, the sealing function has to be undertaken by a special sealing agent. Therefore, Applicant submits that Haimerl fails to disclose or suggest the use of the claimed reactive hot-melt adhesive to function as a sealing agent. Moreover, Haimerl further discloses the use of a separate adhesion line 25 above the polyurethane sealing agent 24 to ensure that the sealing agent does not enter the space between the upper and the lining and in no way causes an adhesion between the upper and the lining. This is clear evidence that Haimerl clearly shows that the sealing agent and adhesive are separate components.

Moreover, Applicant submits that the claimed reactive hot-melt adhesive is quite distinct from a hot-melt adhesive. In the present specification, a reactive hot-melt adhesive is described as being a heat-activatable adhesive which is cured by moisture to achieve cross-linking of the molecular chains and which cannot be reactivated after cross-linking. Quite differently, a hot-melt adhesive is brought into a tacky state by heating and cured by cooling. Further, a hot-melt adhesive may be reactivated by heating after it has cured. Haimerl (and Pavelescu et al. as well) only disclose the use of hot-melt adhesives, which are not suitable for sealing. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

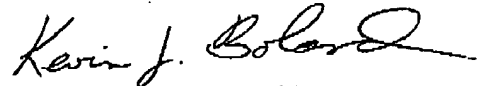
Finally, claims 4-7, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pavelescu et al. Applicant respectfully traverses this rejection.

As discussed above, Pavelescu et al. fail to disclose or suggest the use of the claimed reactive hot-melt adhesive to bring about waterproofness when in the fully reactive state, as claimed. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

As all of the outstanding rejections have been addressed and overcome, Applicant respectfully requests issuance of a favorable Office Action.

Should the Office have any questions, the Office is invited to telephone applicant's undersigned representative.

Respectfully submitted,



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